

## **REMARKS**

The notice of non-compliant amendment dated April 18, 2008, has been received and noted. In response thereto, the Applicants have amended claim 5 to now include the previously missing status identifier. In addition, claims 1, 6-9, and 14-16 are amended as previously submitted in the Response filed February 19, 2008. Accordingly, claims 1-16 are pending in the application. Reconsideration of the pending claims is requested in view of the above-amendments and following remarks.

### **I. Claims Rejected Under 35 U.S.C. § 102**

Claims 1, 6, 7, 9, 14, and 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0001864 filed by Charpentier (hereinafter "Charpentier"). To establish an anticipation rejection the Examiner must show that the cited reference teaches each element of a claim.

Claim 1, as amended, recites the elements of "the graphics usage environment information includes user terminal characteristics information and *a user's* graphics presentation preference information" (emphasis added). Support for the amendments may be found, for example, on page 9, lines 32-35, of the Specification. Charpentier fails to teach these elements. Instead, Charpentier discloses **manipulation of graphics information according to a computing device** in which graphics information is to be displayed. The capabilities of the computing device cause a set of constraints for the graphics information. The Examiner asserted that the term "graphics presentation preference information" is anticipated by Charpentier on page 4, paragraph 34, in the Office Action. **However, paragraph 34 in Charpentier does not disclose graphics information which depends on the user preference, but discloses graphics information which depends on (the type of) the remote computing device.** Therefore, for at least these reasons, Charpentier fails to disclose the elements of "the graphics usage environment information includes user terminal characteristics information and a user's graphics presentation preference information," as recited in claim 1. Accordingly, reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

With respect to dependent claims 6 and 7, these claims are patentable over the cited art because of their dependencies on claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 6 and 7 are respectfully requested.

With respect to claim 9, this claim, as amended, recites analogous limitations to those in claim 1. Therefore, for at least the reasons discussed in connection with claim 1, Charpentier fails to teach each element of claim 9. Accordingly, reconsideration and withdrawal of the rejection of claim 9 are respectfully requested.

With respect to dependent claims 14 and 15, these claims are patentable over the cited art because of their dependencies on claim 9. Accordingly, reconsideration and withdrawal of the rejection of claims 14 and 15 are respectfully requested.

## **II. Claims Rejected Under 35 U.S.C. § 103**

Claims 2 and 10 stand rejected under 35 U.S.C. § 103(a) as being obvious over Charpentier.

With respect to claims 2 and 10, these claims depend on base claims 1 and 9, respectively, and incorporate the limitations thereof. Thus, for at least the reasons discussed in connection with base claims 1 and 9, Charpentier fails to teach or suggest each element of claims 2 and 10. Accordingly, reconsideration and withdrawal of the rejection of claims 2 and 10 are respectfully requested.

Claims 3-5 and 11-13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Charpentier in view of U.S. Patent Publication No. 2001/0047422 filed by McTernan et al. (hereinafter "McTernan").

With respect to claims 3-5 and 11-13, each of these claims depends on base claims 1 or 9 and incorporate the limitations thereof. Thus, for at least the reasons discussed in connection with base claims 1 and 9, Charpentier fails to teach or suggest each element of claims 3-5 and 11-13. Further, McTernan fails to teach or suggest the missing elements. The Applicants are unable to discern and the Examiner has failed to cite to the portion of McTernan that discloses the missing elements. As a result, Charpentier in view of McTernan fails to teach or suggest each

element of claims 3-5 and 11-13. Accordingly, reconsideration and withdrawal of the rejection of claims 3-5 and 11-13 are respectfully requested.

Claims 8 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Charpentier in view of U.S. Patent No. 6,232,974 issued to Horvitz et al. (hereinafter “Horvitz”).

With respect to claims 8 and 16, these claims depend on base claims 1 and 9, respectively, and incorporate the limitations thereof. Thus, for at least the reasons discussed in connection with base claims 1 and 9, Charpentier fails to teach or suggest each element of claims 8 and 16. Further, Horvitz fails to teach or suggest the missing elements. The Applicants are unable to discern and the Examiner has failed to cite to the portion of Horvitz that discloses the missing elements. Consequently, Charpentier in view of Horvitz fails to teach or suggest each element of claims 8 and 16. Accordingly, reconsideration and withdrawal of the rejection of claims 8 and 16 are respectfully requested.

### CONCLUSION

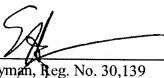
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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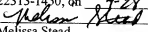
Dated: 4/23, 2008

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Melissa Stead 4-28, 2008